

SCHWEGMAN ☐ LUNDBERG ☐ WOESSNER ☐ KLUTH

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **ISOLATION OF LUTEIN FROM ALFALFA**.

The specification of which was filed on October 29, 2003 as application serial no. 10/696730.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

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I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number
60/452565

Filing Date
March 7, 2003

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Application Number
10/688776

Filing Date
October 17, 2003

Status
Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Gorrie, Gregory J.	Reg. No. 36,530	Newtson, Ruth H.	Reg. No. 26,657
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Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:

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Telephone No. (612)373-6900

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Full Name of joint inventor number 1 : **Mark Hoffman**

Citizenship: **United States of America**

Residence: **Lakeville, MN**

Post Office Address: **17150 Jackrabbit Path**
Lakeville, MN 55044

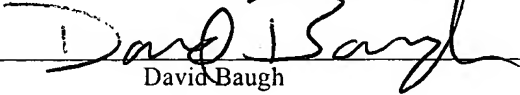
Signature: _____
Mark Hoffman

Date: _____

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Full Name of joint inventor number 2 : **David Baugh**
Citizenship: **United States of America**
Post Office Address: 2500 Queensland Lane No.
Plymouth, MN 55447


Residence: **Plymouth, MN**

Signature: 
David Baugh

Date: 3-29-04

Full Name of joint inventor number 3 : **Michael Ahern**
Citizenship: **United States of America**
Post Office Address: 304 Hamline Ave. S
St. Paul, MN 55105

Residence: **St. Paul, MN**

Signature: 
Michael Ahern

Date: 3-22-04

Full Name of joint inventor number 4 : **David Walsh**
Citizenship: **United States of America**
Post Office Address: 5223 Old Washington Course
Hollywood, SC 29449

Residence: **Hollywood, SC**

Signature: _____
David Walsh

Date: _____

§ 1.56 Duty to disclose information material to patentability.

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(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

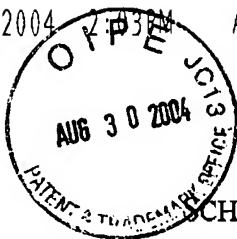
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(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



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Filing Date
October 17, 2003

Status
Pending

Attorney Docket No.: 1804.004US1
 Serial No. 10/696730
 Filing Date: October 29, 2003

Page 2 of 4

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Signature: 
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Post Office Address: **2500 Queensland Lane No.**
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Signature: _____ Date: _____
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(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.